

**2009 DRAFTING REQUEST**

**Bill**

Received: 03/24/2009

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Gary Sherman (608) 266-7690

By/Representing: Nora Tribys

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - food safety

Extra Copies:

Submit via email: YES

Requester's email: Rep.Sherman@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Exemption from regulation for home-canned foods

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 03/25/2009	bkraft 03/26/2009		_____			State
/1			rschluet 03/26/2009	_____	cduerst 03/26/2009	cduerst 03/27/2009	

FE Sent For: @ intro.

<END>

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**Topic:**

Exemption from regulation for certain canning

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**Instructions:**

See attached

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/?	btradewe	1/bjk <sup>3/26</sup>					
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FE Sent For:

<END>

Tradewell, Becky

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**From:** Duerst, Christina  
**Sent:** Monday, March 23, 2009 4:45 PM  
**To:** Tradewell, Becky  
**Subject:** FW: drafting request

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**From:** Tribys, Eleanora  
**Sent:** Monday, March 23, 2009 4:38 PM  
**To:** LRB.Legal  
**Subject:** drafting request

We would like legislation drafted similar to Minnesota's "Pickle Bill," which provides an exemption from inspection or certification for small scale gardeners and farmers to produce homemade pickles, jams, vinegars, and the like and sell them at local events, farmer's markets, and fairs, with a maximum yearly sales limit of \$5,000, provided the products meet safe PH level standards.

The Minnesota statute is Chapter 28A.15 Subd.10

<https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

*Nora Tribys*  
Office of Rep. Gary Sherman  
74th Assembly District

## 2008 Minnesota Statutes

### 28A.15 EXCLUSIONS.

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#### Subdivision 1. **Licensing provisions applicability.**

The licensing provisions of sections 28A.01 to 28A.16 shall not apply to the following:

#### Subd. 10. **Certain home-processed and home-canned foods.**

(a) A person who receives less than \$5,000 in gross receipts in a calendar year from the sale of home-processed and home-canned food products and meets the requirements in clauses (1) to (5):

(1) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower;

(2) the products are home-processed and home-canned in Minnesota;

(3) the products are sold or offered for sale at a community or social event or a farmers' market in Minnesota;

(4) the seller displays at the point of sale a clearly legible sign or placard stating: "These canned goods are homemade and not subject to state inspection" unless the products were processed and canned in a kitchen that is licensed or inspected; and

(5) each container of the product sold or offered for sale under this exemption is accurately labeled to provide the name and address of the person who processed and canned the goods and the date on which the goods were processed and canned.

(b) A person who qualifies for an exemption under paragraph (a) is also exempt from the provisions of sections 31.31 and 31.392.

(c) A person claiming an exemption under this subdivision is urged to:

(1) attend and successfully complete a better process school recognized by the commissioner; and

(2) have the recipe and manufacturing process reviewed by a person knowledgeable in the food canning industry and recognized by the commissioner as a process authority.

(d) The commissioner, in close cooperation with the commissioner of health and the Minnesota Extension Service, shall attempt to maximize the availability of information and technical services and support for persons who wish to home process and home can low acid and acidified food products.

In 3/25

2435/1  
LRB 2437/2  
RCT:kjf:rs

2009  
2005 SENATE BILL 205

FROM  
2005  
2437/2

SA  
X-ref

May 13, 2005 – Introduced by Senators HARSDORF, GROTHMAN and A. LASEE, cosponsored by Representatives RHOADES, GRONEMUS, LOTHIAN, MUSSER, PETTIS, KREIBICH, AINSWORTH, BALLWEG, ALBERS, PETROWSKI, LAMB and OTT. Referred to Committee on Agriculture and Insurance.

- 1 AN ACT *to renumber* 97.29 (2) (b); and *to create* 97.29 (2) (b) 2. and 97.29 (6) of
- 2 the statutes; **relating to:** the sale of home-canned food.

*regen.*  
**Analysis by the Legislative Reference Bureau**

Current law requires food processing plant licenses from the Department of Agriculture, Trade and Consumer Protection (DATCP) for certain facilities at which food is manufactured or prepared for sale through processes such as canning, freezing, and bottling, with specified exemptions.

This bill provides an exemption from the requirement to obtain a food processing plant license for the sale of home-prepared and home-canned, acidic fruits or vegetables (such as pickles) at a community or social event or a farmers' market by a person who receives less than \$5,000 per year from the sale of the food and who complies with requirements concerning notice and labeling.

The bill also requires DATCP to attempt to maximize the availability of information and assistance to persons who wish to home process and home can foods that are not naturally acidic.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 3 SECTION 1. 97.29 (2) (b) of the statutes is renumbered 97.29 (2) (b) 1.

**SENATE BILL 205**

1           **SECTION 2.** 97.29 (2) (b) 2. of the statutes is created to read:

2           97.29 **(2)** (b) 2. A person is not required to obtain a license under this section  
3 to sell at retail food products that the person prepares and cans at home in this state  
4 if all of the following apply:

5           a. The food products are <sup>pickles or other</sup>vegetables or fruits with an equilibrium pH value of  
6 4.6 or lower.

7           b. The person sells the food products at a community or social event or a  
8 farmers' market in this state.

9           c. The person receives less than \$5,000 per year from the sale of the food  
10 products.

11           d. The person displays a sign at the place of sale stating: "These canned goods  
12 are homemade and not subject to state inspection."

13           e. Each container of food product that is sold is labeled with the name and  
14 address of the person who prepared and canned the food product and the date on  
15 which the food product was canned.

16           **SECTION 3.** 97.29 (6) of the statutes is created to read:

17           97.29 **(6)** INFORMATION ABOUT HOME CANNING. (a) The department shall  
18 encourage persons to whom the exemption in sub. (2) (b) 2. applies to attend and  
19 complete training, that is approved by the department, concerning preparing and  
20 canning foods and to have their recipes and processes reviewed by a person who is  
21 knowledgeable about the food canning industry and who is recognized by the  
22 department as an authority on preparing and canning food.

23           (b) The department, in cooperation with the University of  
24 Wisconsin-Extension, shall attempt to maximize the availability of information and

**SENATE BILL 205**

1 technical services and support for persons who wish to home prepare and home can  
2 low-acid and acidified food products.

3 (END)



**Basford, Sarah**

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**From:** Sherman, Gary  
**Sent:** Thursday, March 26, 2009 6:01 PM  
**To:** LRB.Legal  
**Cc:** Hoey, Joseph; Tribys, Eleanora  
**Subject:** Draft Review: LRB 09-2435/1 Topic: Exemption from regulation for home-canned foods

Please Jacket LRB 09-2435/1 for the ASSEMBLY.